



1226531 - R8 SDMS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

*Handwritten:* 10/7/08

Ref 8EPR-SR

OCT 07 2008

Honorable Max Baucus  
United States Senator  
32 East Babcock Street, Suite 114  
Bozeman, Montana 59715

Dear Senator Baucus:

Thank you for your letter of September 15, 2008, on behalf of Mr. Thurman Maynard of Libby. Mr. Maynard wrote to you with his concerns about damage to his property at 76 Collins Avenue and that he believes was caused by the U.S. Environmental Protection Agency's (EPA) asbestos clean-up activities in Libby. I appreciate this opportunity to provide the following information in response to Mr. Maynard's concerns.

First, Mr. Maynard stated that his flower beds needed to be repaired. EPA sent contractors to his residence on May 19, 2008, to repair the flower beds; but they were asked to leave his property. Mr. Maynard completed the repairs to the flower beds at his own expense, and EPA provided potting soil to him to offset his costs. It is my understanding that Mr. Maynard agreed to this arrangement.

Second, Mr. Maynard stated that there was damage to the concrete of his carport due to EPA's digging out underneath the structure. EPA's contractors do not remove material underneath sound structures. They did remove material up to the edge of the concrete, but not underneath it. Photographs taken at Mr. Maynard's property prior to the cleanup show that there were already several cracks in the concrete. These photos were shared with Mr. Maynard when we explained to him that we believed the cracks were pre-existing and were not caused by our clean-up activities.

Third, Mr. Maynard is upset about the sinking in his yard. According to Mike Cirian, EPA's On-Site Remedial Project Manager, EPA and Mr. Maynard agreed that EPA would provide 20 additional bags of potting soil to Mr. Maynard to remedy this condition himself, rather than to have EPA's contractors address the sinking. The bags of potting soil were delivered to Mr. Maynard on June 22, 2008.

Fourth, Mr. Maynard mentioned his septic system and work that he did to repair it. Mr. Maynard had not previously raised this issue with EPA. If he had indicated he was having problems with his system due to the clean-up activities, EPA would have had his system inspected. If the results of the inspection would have indicated that EPA's clean-up activities on Mr. Maynard's property caused any damage to his system, we would have fixed it or prepared an

estimate of the cost to have the repair work done. Since Mr. Maynard has already paid someone to repair the damages, there is no way at this point to determine if any damages were caused by EPA's clean-up activities.

Lastly, Mr. Maynard noted damage to his roof. Mike Cirian and several site contractors have looked at the damage Mr. Maynard described as resulting from the clean-up activities. Since EPA's work is limited to contaminated yard soils, we don't believe that this damage is related to our clean-up activities. In addition, photographs taken prior to the cleanup indicate that this was a pre-existing condition.

We regret that Mr. Maynard is dissatisfied with these aspects of EPA's clean-up activities at his property; but, I believe Mr. Maynard and Mike Cirian have come to an understanding regarding which problems EPA will be responsible for addressing and those which we believe were pre-existing. If there are other issues that may arise, we will seek to find reasonable accommodations with Mr. Maynard.

I hope this information will be useful in your response to Mr. Maynard. If you or your staff have additional questions regarding EPA's work in Libby, please contact me or Sandy Fells, our Regional Congressional Liaison, at 303-312-6604.

Sincerely yours,



Carol Rushin  
Acting Regional Administrator

